

Exhibit 38



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Transcript of 180905_1042

Case: Caryn Devins Strickland -v- United States of America, et al.

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CONVERSATION

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"180905_1042"

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IN RE: CARYN DEVINS STRICKLAND V. UNITED STATES OF

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AMERICA, ET AL.

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20 Job No.: 479402

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22 Transcribed by: Christian Naaden

1 P R O C E E D I N G S

2 [phone ringing]

3 REGGIE: Circuit executive's office, Reggie
4 speaking.

5 MS. STRICKLAND: Hi, I would like to talk to
6 James Ishida, please.

7 REGGIE: May I ask who's calling?

8 MS. STRICKLAND: Yes, this is Caryn
9 Strickland. He should be expecting to hear from me.

10 REGGIE: All right. One moment, please.

11 MS. STRICKLAND: Thank you.

12 REGGIE: Caryn Strickland wants to speak with
13 you. Caryn Strickland. She says you were expecting her
14 call. Okay, I'll transfer.

15 One moment, Caryn, I'll transfer you.

16 MS. STRICKLAND: Thank you.

17 REGGIE: You're welcome.

18 [phone ringing]

19 MR. ISHIDA: Hi, Caryn?

20 MS. STRICKLAND: Hi. Yeah, I hope you don't
21 mind, I just decided to call you since your number was
22 in your signature line.

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1 MR. ISHIDA: Oh, that's -- not at all. I think
2 this is -- I think it's a perfect time.

3 MS. STRICKLAND: Well, good. Did you -- I
4 guess you were on annual leave. Did you have a good
5 time off?

6 MR. ISHIDA: I did. I did. I'm not sure if
7 anybody told you, I was -- I went to a Trappist
8 monastery for a week.

9 MS. STRICKLAND: Wow.

10 MR. ISHIDA: Yeah, not your -- not your normal
11 vacation. But I -- I -- I've done this before. I found
12 the break really refreshing and so --

13 MS. STRICKLAND: Yeah, I'm sure.

14 MR. ISHIDA: -- yeah, so it was -- it -- so I
15 spent a week, Berryville, Virginia, which is close to
16 the West Virginia border --

17 MS. STRICKLAND: Mm-hmm.

18 MR. ISHIDA: -- and it is beautiful country.
19 It's just -- there nothing else out there. So, I spent
20 a week, you know, just -- just walking, thinking,
21 reading, and just really having a chance to recharge,
22 so it was really kind of -- it was really a nice break.

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1 So, to come back is -- it's been a nice transition too.

2 MS. STRICKLAND: Oh, good.

3 MR. ISHIDA: Yeah --

4 MS. STRICKLAND: Well --

5 MR. ISHIDA: -- you know. Any -- but -- yeah,
6 thanks for asking and I -- and I'm sorry I wasn't here
7 when you reached out. So, how -- how can I help you?

8 MS. STRICKLAND: Sure. Well, you know, so I
9 guess just to get this out of the way, you know, I just
10 want to kind of confirm, you know, I'm speaking to you
11 as the EDR coordinator, so just whatever I'm saying is
12 going to be kept confidential. I would --

13 MR. ISHIDA: Yes, that's --

14 MS. STRICKLAND: -- okay, which I -- I assume
15 that but just, you know, to get that out of the way.

16 MR. ISHIDA: Sure.

17 MS. STRICKLAND: Now, I don't know, you know,
18 if you remember but we actually met in person at the
19 court house renovation thing. I -- my maiden name is
20 Caryn Devins so I just got married and changed my name.
21 But anyways, I just thought, you know, I was like, oh,
22 you know, it -- it's unfortunate that this all kind of

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1 came up and I've only had the chance to meet you once
2 but I was the one --

3 MR. ISHIDA: Uh-huh.

4 MS. STRICKLAND: -- I was the supreme court
5 fellow at the AO.

6 MR. ISHIDA: Oh, okay.

7 MS. STRICKLAND: Yeah. And I -- I actually
8 when I was there I worked -- I worked under Laura
9 Minor, so she's kind of been like a sounding board for
10 me, kind of throughout this process.

11 But she, you know, suggested that I mention to
12 you just that, you know, she's kind of, you know, been
13 in a position to give me some guidance through, you
14 know, just what has been a very, very difficult
15 situation through -- for me that I have just -- I've
16 tried to work through the best that I absolutely could.

17 And, you know, I'm just -- it -- I feel that
18 it's very unfortunate that it's gotten to this point
19 and, you know, to be completely honest with you, I feel
20 a little bit -- not a little bit, I feel a lot, you
21 know, kind of blindsided by events in --

22 MR. ISHIDA: Uh-huh.

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1 MS. STRICKLAND: -- the last few weeks and
2 just not sure what to make of it and confused, you
3 know.

4 So, I don't know if you have any thoughts
5 about -- about that, but I'm kind of, at this point --
6 you know the main thing I wanted to talk to you about
7 is that I'm -- I'm trying to figure out my options and
8 I've been, you know, working as diligently as I can but
9 I'm really concerned about when I read the EDR plan
10 just how short the time periods are for filing
11 anything. And --

12 MR. ISHIDA: Mm-hmm.

13 MS. STRICKLAND: -- you know, so my top
14 priority right now -- well, it's really twofold: My
15 top priority --

16 MR. ISHIDA: Mm-hmm.

17 MS. STRICKLAND: -- is to make sure that I
18 will have the time that I need to, for example, figure
19 out if I even need an attorney. I have a consultation
20 scheduled on Friday but I really, you know, I don't --
21 I -- I just don't know, you know, but, you know, to
22 evaluate my options and kind of figure out where --

1 where I'm at and what I should do.

2 And, you know, the other thing is just that I
3 understand that there is a, you know, wrongful conduct
4 investigation, which was not started by me, it was
5 started by Tony. And I have misgivings about that
6 situation and I'm not really sure --

7 MR. ISHIDA: Mm-hmm.

8 MS. STRICKLAND: -- how to proceed. So, I was
9 kind of hoping to hear from you what you thought may be
10 my -- my options are. But -- but those are the two
11 things, the -- the time and, you know, just the options
12 on just the -- the current investigation and -- and
13 what's going on with that.

14 MR. ISHIDA: Mm, okay. Okay. Well, Caryn,
15 let's -- let's -- let's -- let's take your options
16 first. And -- and let's -- let's focus on -- on two
17 things under the Fourth Circuit's EDR plan.

18 So, Tony had called me because he had gotten
19 an email from you, I can't remember the date, but
20 Tony's concern was there was mention of sexual
21 harassment in your email. Now, that -- that triggers
22 Chapter 9 of the EDR plan because it's an allegation of

1 wrongful conduct.

2 MS. STRICKLAND: Mm-hmm.

3 MR. ISHIDA: And so the -- the plan that --
4 the Circuit's plan, you know, is designed to protect
5 all parties but particularly the person bringing the
6 allegation. So, an allegation is as serious as a -- as
7 an allegation of wrongful conduct, which sexual
8 harassment is, is it has to be handled in a certain way
9 and Chapter 9 sets out the process for doing that.

10 So, you know, under Chapter 9, you know, the --
11 -- the unit head and the chief judge have to be notified
12 and an investigation has to be done promptly, which is
13 -- which is what we -- we -- I had appointed somebody
14 neutral and outside your office to begin that process.

15 And -- and that -- and -- and so Heather Beam
16 was the one that I had asked would she be willing to
17 take this on. She was fine. And I think she's in the
18 process of doing that. I don't know where she's at now
19 but I think -- I think she is trying to, you know,
20 check into the allegations, make sure, you know, what's
21 going on and then, you know, that -- that process plays
22 out.

1 MS. STRICKLAND: So is she actually
2 investigating, like already?

3 MR. ISHIDA: Yes. I -- I -- well, I -- I -- I
4 got that -- I -- I don't know because I think she was --
5 -- there was -- she was going to be out of -- out of
6 pocket for a while, she was going to be in D.C. for
7 something. So, she couldn't start right away --

8 MS. STRICKLAND: Uh-huh.

9 MR. ISHIDA: -- as far as I know. I haven't
10 talked to her in some time, so I don't know where she's
11 at but I'm -- I'm assuming she's in the process of
12 talking to you, talking to Tony, talking to all of the,
13 you know, the people she deems important to get to the
14 bottom of the al- -- of your allegation.

15 MS. STRICKLAND: Mm-hmm.

16 MR. ISHIDA: So -- so that -- that's -- that's
17 the process that's playing out now under Chapter 9, the
18 report of wrongful conduct.

19 Your other option is Chapter 10 of the
20 Circuit's EDR plan. And that -- and that -- and that's
21 the EDR process itself. So, it -- there's -- there's
22 really kind of a -- a -- it's a -- it's really kind of

1 a three-part process.

2 You can -- you can request, under Chapter 10,
3 you can -- you can make a request for counseling. You
4 can make a request for mediation. You can file a
5 complaint. I mean, it -- it -- it's something that you
6 trigger. So, you might --

7 MS. STRICKLAND: Mm-hmm.

8 MR. ISHIDA: -- by you filing a request with
9 me under Chapter 10, that's sets off the EDR process
10 and -- and, you know, there's a -- there's a whole
11 series of things that happen after that. So, you've not
12 request that -- you've not requested that, that's not
13 going on right now, but that is an option that you have
14 --

15 MS. STRICKLAND: Right.

16 MR. ISHIDA: -- as well.

17 MS. STRICKLAND: And that's -- I guess that's
18 what I am the most -- well, I guess let me just ask you
19 another question, which is, what is the scope of the
20 investigation that Heather is conducting?

21 MR. ISHIDA: Well, under -- under the -- under
22 the -- under the plan, under Chapter 9, the provision

1 reads that the chief judge and the -- or the unit
2 executive shall ensure that the allegations are
3 appropriately investigated --

4 MS. STRICKLAND: Mm-hmm.

5 MR. ISHIDA: -- either by a human resources
6 manager or some other person. So, the allegation of
7 sexual harassment is what's being investigated.

8 MS. STRICKLAND: Okay. So, I'm just going to
9 tell you, and I know -- this is all like really awkward
10 for me, but --

11 MR. ISHIDA: Sure.

12 MS. STRICKLAND: -- that -- that is not
13 actually the scope of my allegations. By the -- the
14 allegations are not just sexual harassment by one
15 person. They actually include acts of retaliation as
16 well and, you know, the reason why I'm -- I'm
17 contemplating filing other -- you know, other filings
18 under Chapter 9 and Chapter 10 and, you know, Tony will
19 be named in those filings --

20 MR. ISHIDA: [inaudible] --

21 MS. STRICKLAND: -- if that's the route that I
22 take. And, so, I'm very concerned -- you know, I

1 understand, you know, what -- what you have said is
2 that Tony told you that I sent an email. Well the truth
3 is, that I had already been speaking with him about --

4 MR. ISHIDA: Mm-hmm.

5 MS. STRICKLAND: -- those allegations and he
6 was aware of them and I was working with him to try to
7 resolve them un- -- informally, and we agree. I think
8 in that email, that he forwarded, I was confirming what
9 we had already spoken about and agreed to. And if he --

10 MR. ISHIDA: Mm-hmm.

11 MS. STRICKLAND: -- and so that's why, you
12 know, I was very concerned that it almost seems like,
13 you know, like he never came and talked to me and said,
14 hey, there's an issue with you being in appeals, you
15 know, let's -- let's work that out or something like
16 that.

17 I mean, we -- we agreed to that specifically
18 because, you know, I had spoken with him and said
19 there's an issue with me continuing to do trial work,
20 you know, being under the first assistant supervision
21 and there not being a procedure in effect for him, you
22 know, not to assign me cases. And he agreed that it was

1 necessary to assign me to appeals.

2 Now, if there is some logistical problem with
3 that, you know, I was perfectly willing to -- you know,
4 I specifically told him, let me work out the details
5 with the appellate chief. So, that's why, you know, I
6 was really surprised when just -- and -- and I
7 understand -- I'm not trying to say an investigation
8 shouldn't be conducted. I want an investigation.

9 MR. ISHIDA: Mm-hmm.

10 MS. STRICKLAND: You know, I -- I told Tony
11 that I had emails and text messages, you know, and he
12 has never asked to see them, you know, just as an
13 example. And so, you know, I'm just really concerned
14 about what role he is going to have in the process
15 because I don't feel that he has been -- I -- I mean,
16 the -- you know, like I said, the simplest way that I
17 can put it is that, you know, if I do file other
18 things, he is going to be named in them.

19 MR. ISHIDA: Mm-hmm. Mm-hmm.

20 MS. STRICKLAND: So, I just want you to know
21 that and -- and I don't know -- you know, I don't know
22 what the status is of the investigation because I

1 haven't spoken to Heather. I told her --

2 MR. ISHIDA: Mm-hmm.

3 MS. STRICKLAND: -- that I needed additional
4 time.

5 MR. ISHIDA: Mm-hmm.

6 MS. STRICKLAND: You know, and I'm not saying
7 there's anything wrong with that. You know, I don't --
8 I don't know her. I mean, I'm -- I'm not saying there's
9 a prob- -- but -- but the -- the way that the whole
10 thing was conceived and, you know, the scope of the
11 investigation, which appears like it doesn't include
12 any allegations against Tony, which is why I would be
13 including, you know, in another filing.

14 It -- it -- it really concerns me whether, you
15 know, he is going to have any role in that
16 investigation. And kind of what the scope of that
17 investigation will include and what he has already told
18 Heather, you know --

19 MR. ISHIDA: Mm-hmm.

20 MS. STRICKLAND: -- before I've had a chance
21 to speak with her. So, you know -- so that's why I'm
22 just -- you know, I have concerns about it and that's

1 why I feel like I'm in this position where I'm
2 contemplating, you know, my own filings and I'm -- you
3 know, just want to make sure that I have the adequate
4 and necessary time to really be able to consider my
5 options under the plan.

6 Especially because, you know, this situation
7 is so dynamic and ongoing. Like I keep learning --

8 MR. ISHIDA: Mm-hmm.

9 MS. STRICKLAND: -- new things that -- like --
10 you know the way I read the plan, there's not just like
11 one -- some one discreet act that, oh, that triggers
12 the -- the 30 days. But I -- I want to make sure that
13 my rights are not prejudiced by me taking the time that
14 I need to assess the situation.

15 Does that make sense?

16 MR. ISHIDA: It -- it -- it does, Caryn, and -
17 - and that's -- it's understandable. Now, I don't know
18 your office's EDR plan as well. I mean, I just -- I
19 just looked at it and it looks like there are short
20 deadlines in that.

21 Now, the Circuit's EDR plan doesn't have those
22 short deadlines. Like, for instance, on their Chapter

1 9, report of wrongful conduct, there really is no
2 deadline in that. I mean, the only -- the only kind of
3 assumed deadline is that once the EDR coordinator,
4 which is me, gets a report, I've got to promptly notify
5 Judge Gregory --

6 MS. STRICKLAND: Mm-hmm.

7 MR. ISHIDA: -- of that. But -- but -- but
8 aside from that, there's no real deadline in Chapter 9.
9 So, the investigation takes as long as it does and
10 then, you know, if there's disciplinary action that's
11 called for by the investigation, that -- that happens
12 whenever it happens. So, there's no deadline there.

13 Under Chapter 10, the EDR process itself,
14 there really is -- there really is no deadline until
15 you in- -- invoke the process. Now -- [coughing] excuse
16 me -- I don't know -- I don't know frankly if you can
17 wait 10 years and then decide at some point --

18 MS. STRICKLAND: Mm-hmm.

19 MR. ISHIDA: -- you know, I think I'll file
20 it. I don't know that. I mean there may be an issue
21 there. But -- but there's no -- there's no deadline
22 for, you know, you have to file a Chapter 10 EDR

1 request within X days. There is nothing like that in
2 the plan.

3 MS. STRICKLAND: Oh, I guess I misread it
4 because there's something in there about it being like
5 30 days within becoming aware of the violation or
6 something like that.

7 MR. ISHIDA: There is -- there is -- there is
8 that requirement in the FPP's plan, and I think it's
9 shorter than 30 days --

10 MS. STRICKLAND: Can --

11 MR. ISHIDA: -- but --

12 MS. STRICKLAND: -- can I just ask you a
13 clarifying question about that because I don't -- I
14 don't know what the office EDR plan is. And I know that
15 Tony mentioned that in his email but like I don't --

16 MR. ISHIDA: Uh-huh.

17 MS. STRICKLAND: -- is that in the employee
18 manual or like -- I don't know what that is.

19 MR. ISHIDA: Yeah, I mean, I -- like I said,
20 Caryn, I don't -- I don't know either. I'm not -- I'm
21 not familiar with it. It looks like something the
22 office has done kind of over and above the Circuit's

1 EDR plan.

2 MS. STRICKLAND: So, but --

3 MR. ISHIDA: I think it was --

4 MS. STRICKLAND: -- yeah --

5 MR. ISHIDA: -- I think it was de- -- I think
6 it was designed to present another avenue where
7 employees would pursue claims --

8 MS. STRICKLAND: Is it like the grievance
9 procedure? I mean --

10 MR. ISHIDA: I -- it -- that -- that's -- I
11 mean when I read the plan, it's -- they -- they couch
12 it in terms of filing a grievance.

13 MS. STRICKLAND: Okay. So, it is what's in the
14 employee manual then because I -- I didn't -- it -- it
15 doesn't --

16 MR. ISHIDA: Yeah, yeah.

17 MS. STRICKLAND: -- sound -- it's not labeled
18 in EDR plans so I didn't --

19 MR. ISHIDA: Okay, okay.

20 MS. STRICKLAND: -- so I didn't understand
21 that. I -- I -- I mean it -- and it's -- it's -- yeah,
22 so that's just a -- I don't know what -- so like did he

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1 actually send you like a physical copy of it?

2 MR. ISHIDA: I -- I saw some of that
3 somewhere. Yeah. But I -- yeah, I don't -- I don't
4 know. But --

5 MS. STRICKLAND: Yeah, anyways I'm not --

6 MR. ISHIDA: Yeah, you know -- yeah --

7 MS. STRICKLAND: -- but that --

8 MR. ISHIDA: -- I'm not sure.

9 MS. STRICKLAND: -- that's the one where it
10 says it's like within five days or something like that.
11 But I didn't understand that to apply -- I thought that
12 was like for things that weren't EDR plan issues. But -
13 -

14 MR. ISHIDA: Yeah, like I said, I -- I think
15 from what my reading of it was, was that it was -- you
16 know, I mean it was designed to be over and above the -
17 - the plan. And -- and, Caryn, let me -- let me just --
18 let me just say one thing, I -- as long as I'm on this.

19 I do see that provision about must be made
20 within 30 days of the alleged violation or within 30
21 days of the time the employee becomes aware of alle- --
22 allegation. So, that is part of Section A, the

1 counseling part of this --

2 MS. STRICKLAND: Mm-hmm.

3 MR. ISHIDA: -- it does look like -- it does
4 look like there's that 30-day requirement here too.

5 MS. STRICKLAND: Right. And I just -- for me
6 because, you know -- and I've actually asked a few
7 people and it -- it's just -- I don't know -- so if
8 this was like a civil case, say, and it was like a
9 statute of limitations thing, this -- because this
10 situation is ongoing, and kind of new things keep
11 happening, I don't -- the way that I read it's almost
12 like every time something new happens, that starts the
13 clock.

14 But I just don't want, you know, I just want
15 some kind of assurance and -- and I'm happy to file --
16 and, in fact, I think I probably will file a formal
17 motion for extension of time but -- or, you know,
18 whatever, request an extension of time under the plan.

19 But I wanted to just talk to you first about
20 it just to -- you know, so that you would kind of
21 understand like my situation and that, you know, this
22 is all very confusing to me and I'm trying the best

1 that I can -- you know, I'm not sitting on my hands. I
2 just -- I want to make sure that I have the time that I
3 need to figure out what I'm going to do and not have a
4 risk of getting it kicked out on some kind of perceived
5 technicality.

6 Do you see what I'm saying?

7 MR. ISHIDA: Mm-hmm, mm-hmm. Mm-hmm. No, I do
8 and I think -- I think certainly you -- you -- you want
9 to be in the position where you're preserving all our
10 rights and options.

11 Like I said, Chapter 9, the report of wrongful
12 conduct, you know, doesn't have those hard and fast
13 deadlines and -- and the process is already ongoing.
14 But I think -- I think you're okay there.

15 Chapter 10 does mention that that the 30-day -
16 - there's that 30 day -- the request for counseling has
17 to be made within 30 days of the alleged allegation. I
18 don't -- I mean I -- I don't -- I don't remember off
19 the top of my head when these allegations came up but
20 there is -- I -- I am reading that there. So, you're
21 right, I think -- I think what you read -- I mean,
22 that's the way I'm reading this too.

1 MS. STRICKLAND: Right. I think -- I forget
2 what -- I don't have the plan in front of me right now,
3 but I -- there is a provision in there where it says
4 that any of the deadlines can be extended for good
5 cause.

6 And I'm not even arguing -- or I'm not even
7 saying necessarily that like I legally need an
8 extension because I think the acts are ongoing. It's
9 more of like I -- I just would like -- I would like the
10 assurance that I'll have the time that I need --

11 MR. ISHIDA: Mm-hmm.

12 MS. STRICKLAND: -- to -- to be able to make a
13 decision and, you know, I've read the -- the working
14 conduct group report and, you know, I know that they
15 recommended extending the deadline to 180 days. And
16 that hasn't been done yet.

17 But, you know, just as like a sense of like
18 clearly they've -- you know, clearly the deadline
19 probably should be longer and it is going to be longer
20 but, you know, I'm in a situation where like I haven't
21 even had a chance to speak with an attorney yet. And --

22 MR. ISHIDA: Mm-hmm.

1 MS. STRICKLAND: -- you know, there's not that
2 many attorneys that even do this kind of thing. And
3 like I said I haven't even decided if I actually need
4 an attorney for the process but I think I need to at
5 least speak with one and get --

6 MR. ISHIDA: Mm-hmm.

7 MS. STRICKLAND: -- you know, an opinion. And,
8 so, you know I don't -- so -- so that's kind of my --
9 my biggest concern is it -- it doesn't sound to me from
10 reading the plan like those are hard and fast deadlines
11 in the sense that I can request an extension. And I'm
12 kind of, you know, hoping to do that, kind of from the
13 get-go --

14 MR. ISHIDA: Mm-hmm.

15 MS. STRICKLAND: -- you know, to -- just to --
16 just to kind of head off any type of argument that
17 something isn't timely.

18 MR. ISHIDA: Mm-hmm.

19 MS. STRICKLAND: Does that make sense? Because
20 I have been trying very diligently and the best I can
21 to work through all of this.

22 MR. ISHIDA: No, and -- and, you know, Caryn,

1 I think part of the reason why the -- the AO's working
2 group report recommended that is because I think there
3 is a -- there's a certainly an understanding and a
4 recognition that this is not the easiest of areas to
5 navigate.

6 And, you know, a lot of these short deadlines
7 just really aren't helpful. It's a difficult area,
8 people have a lot of questions and so that's why, um,
9 the working group recommended a number of things to try
10 to address.

11 Some of these structural shortcomings like --
12 like you said. Extending the deadlines to -- from 30
13 days to 180 days to try to make the plans clearer, more
14 intuitive and that kind of thing. So, I -- I think --
15 and I -- and I -- and I just -- that -- that's probably
16 going to happen. Because this is -- this is kind of a -
17 - a byzantine area and, you know, people's rights -- a
18 lot of people's rights are at stake here. So, I think -
19 -

20 MS. STRICKLAND: Mm-hmm.

21 MR. ISHIDA: -- they want to make it -- I
22 think they just want to make it fair, reasonable, so

1 that ultimately what happens is, you know, we address
2 wrongful conduct and -- and make sure this -- you know,
3 steps are taken that it doesn't happen again and
4 there's -- there's real redress here.

5 MS. STRICKLAND: Mm-hmm.

6 MR. ISHIDA: So, yeah, so I get all that.
7 Caryn, can I ask you a question? This is kind of just
8 for my own curiosity.

9 MS. STRICKLAND: Yeah.

10 MR. ISHIDA: Have -- have you -- have you
11 thought about what is that you want out of this? What
12 is it that you -- what is it that you're looking for?

13 MS. STRICKLAND: Well, you know, I -- I think
14 that that -- that is a good question. And, you know,
15 ultimately, when I really look back like big picture at
16 all of this --

17 MR. ISHIDA: Mm-hmm.

18 MS. STRICKLAND: -- I think what really
19 frustrates me the most is that I feel like I have been
20 -- I -- I came in with a certain understanding of what
21 I thought my job was supposed to be. I thought that I,
22 you know, I was hired to be an assistant federal

1 defender and they started me off as a research and
2 writing attorney basically to give me some training.

3 MR. ISHIDA: Mm-hmm.

4 MS. STRICKLAND: But I -- I thought that I was
5 coming in with the opportunity for professional
6 advancement and to be able to choose, you know,
7 ultimately the type of work I wanted to do.

8 And I feel like be -- not be -- and I've --
9 you know, I will also mention, I've worked my butt off
10 for that place and I've had nothing but excellent
11 performance since I've been there. You know, and I feel
12 like I've been taken off that track and deprived of
13 those opportunities, not because of anything to do with
14 my performance or, you know, but because of all of
15 these issues that have come up.

16 And, you know, that's what I mean when I say
17 that I feel that part of my issue is retaliation. And,
18 so, you know and the other thing that I want is -- or
19 that -- I shouldn't say that I want, that I feel is
20 necessary is, I do feel that a full, fair and impartial
21 investigation is necessary of not just the sexual
22 harassment allegations but of everything else that

1 happened.

2 When I tried to -- you know, because my
3 understanding is that, you know, you should always
4 bring these things to your supervisor and try to get
5 them resolved at the lowest level possible and that's
6 exactly what I tried to do. And I feel as a result of
7 that that, you know, I have just experienced
8 retaliation.

9 And, you know, I mean, if I'm going to go
10 under the EDR plan, you know, I can't get compensatory
11 damages. I can't get the things that I would get
12 through a lawsuit. So, at a bare minimum what I would
13 like is the opportunities that frankly I was denied.
14 And I wo- -- and on the flip side, you know,
15 accountability for people who have acted in a
16 completely unprofessional manner and just done things
17 that they sh- -- that they should not be doing.

18 And, you know, I would not be surprised if --
19 you know, I don't know this, I don't want to, you know,
20 say any- -- I won't, you know, say anything I don't
21 know, but I will just put it this way, I will not be
22 surprised if this wasn't the only incidents of these

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1 types of issues going on.

2 And, so, you know, I mean I do think -- you
3 know and I'll just tell you something too, which I --
4 you may know already, I don't know, but this office has
5 a very, very troubled history. And, you know, the --
6 the types of misbehavior going on really go beyond just
7 my little corner of the universe, you know, or -- of --
8 of what's going on with me.

9 And, so, I'm very concerned about whether I
10 even have a future here, not because -- I mean, I love
11 the work, I consider the work to be a calling. I've
12 wanted to be in a federal defender office since law
13 school. And, so, you know --

14 MR. ISHIDA: Mm-hmm.

15 MS. STRICKLAND: -- when I was a supreme court
16 fellow, I made a point of having a -- you know,
17 creating a good professional relationship with Kate
18 Clark and, you know, making friends and def- -- I mean
19 it was like a big deal to me to get this job.

20 And, you know, if -- if there was something
21 else I wanted to do I would have left already, frankly,
22 because I wouldn't have put up with all of this. But

1 the truth is, I just feel like it's wrong that I'm in
2 the job that I really want to be doing and that I've
3 been -- I've faced so many issues, not because of my
4 performance, you know, not because of anything that I
5 did, but because there's so many problems in that
6 office.

7 And they really, you know, are -- are bigger
8 than just harassment. I mean I've seen, ethical
9 problems on multiple occasions that are very troubling
10 to me. And, you know, I mean, it's just those are all
11 like bigger concerns and I've -- you know, kind of
12 struggled with whether I should bring those up
13 separately or how to deal with those.

14 But I think those are probably addressed --
15 those may be better addressed at a different time. I
16 really don't know but, you know, my experience -- I've
17 only been there for a year, but my experience has been
18 really disturbing, especially because the whole reason
19 why that office was converted to a -- a federal
20 defender from a CDO to begin with, was because I think
21 the judges in that district had noticed a lot of the
22 same things that I have noticed.

1 And they -- they demanded that that transition
2 occur because they wanted a change in leadership and
3 they wanted a change in how the place was run. And to
4 me, you know, and this -- again, this is just my
5 perspective but my -- you know, I did my due diligence
6 on that place before I went there and I tried to talk
7 to people who had worked there and -- you know,
8 whatever, and since I've started there, I almost feel
9 like the people there have acted like they just a free
10 pass because they made it through the transition to an
11 FDO.

12 I mean they were -- they were under FBI
13 investigation. I guess they made it through that for,
14 you know, all I know. And it's -- it's like, I don't
15 know, I'm not trying to just -- it -- it's -- it's just
16 my perception is there's a lot of just bad things going
17 on that I have never experienced in a professional
18 environment before.

19 And I had, you know, four different jobs since
20 law school in different -- you know, I clerked for
21 three different judges and then I was at the AO. And I
22 just -- I mean I have just never seen anything like

1 this before.

2 MR. ISHIDA: Mm-hmm.

3 MS. STRICKLAND: So, you know, I'm not -- I'm
4 not trying to like bring it -- but it -- I just think
5 the context of it is important and I mean you've had
6 one employee who got fired and three others have put in
7 notice since June --

8 MR. ISHIDA: Mm-hmm.

9 MS. STRICKLAND: -- you know, and I'm on
10 temporary telework. And, you know, I think if you asked
11 the employees who put in their notice, why they put in
12 their notice, they would probably tell you that it
13 wasn't completely voluntary, you know, the reasons why
14 they left.

15 So, I mean, all of that doesn't necessarily
16 have to do with me or my -- you know, it's just what
17 I've been going through is almost like just a cherry on
18 top of all this other stuff.

19 MR. ISHIDA: Mm-hmm.

20 MS. STRICKLAND: And, so, you know, I guess
21 when you ask me for what I want, I mean, in my ideal
22 world I would love to be able to do what I thought that

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1 I was getting when I got into this job, which was to be
2 able to, you know, get trained and up to speed to be an
3 assistant federal defender, to do, you know, the type
4 of work that, you know, interests me to the extent they
5 have the case load for it.

6 You know, and as part of that, I mean, the --
7 the -- there is a whole issue with the trials versus
8 appeals. What I had wanted was to be able to do some of
9 my own trial cases in order to make me a better
10 appellate attorney. But, you know, they've told me I
11 can no longer do those. You know, they've basically
12 just demoted me to a pure research and writing position
13 from what I can figure out.

14 And, so, you know, what I want is to be able
15 to do the job that I was hired for and to be able to do
16 it without feeling ethically compromised and without
17 feeling just like my job is being interfered with. My
18 job duties are being interfered with for reasons that
19 are completely inappropriate and unprofessional.

20 So, that's it in a nutshell.

21 MR. ISHIDA: Mm. We- -- we- -- well -- well,
22 Caryn, what -- well -- well said and -- and

1 passionately said I may add. And that's certainly
2 understandable.

3 You know, let -- let me address the history
4 part of this. I'm in a little bit of a disadvantage
5 because all of this, of course, happened before I came
6 on board. But -- but I did hear about some of the back
7 story that you alluded to and, you know, I -- Tony and
8 I came in roughly at the same time, that's why, you
9 know, I don't -- I -- I wasn't part of his hiring, I
10 wasn't part of the conversions.

11 But -- but I -- but from the stories I heard,
12 it -- it -- I -- I agree, it sounded like it was a
13 really kind of a troubled office before. The judges
14 have expressed a lot of concern. There was a -- there
15 was a lot of serious issues for -- that were going on
16 in the office.

17 And, so, you know, it was felt that, you know,
18 we need a -- we need a new structure, we needed form,
19 we needed the leadership and I do know from the stories
20 I've heard that they were -- the judges were very
21 mindful of, okay, we need -- we need change and we need
22 good change and we need to change the culture, first

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1 and foremost.

2 And when they -- when they were looking at
3 candidates, they were -- they were genuinely impressed
4 with Tony because of what he had done, his experience,
5 and -- and -- and just his general track record and
6 reputation that he got as first assistant in -- you
7 know, [inaudible] C and -- and that's why Tony was
8 brought on to -- to kind of really help that office
9 [inaudible].

10 Yeah, I mean, your concerns I think are well
11 founded and --

12 MS. STRICKLAND: Right. And, you know, I'll
13 tell you another just -- like I -- you know, it's funny
14 because I was hearing a lot of the same things and --
15 and I -- you know, really, really believed in Tony and
16 I -- you know, I didn't come in being like, oh, what's
17 Tony going to do or what -- I mean I have really done
18 nothing but give him the benefit of the doubt until I
19 reached --

20 MR. ISHIDA: Mm-hmm.

21 MS. STRICKLAND: -- completely the end of the
22 road and felt like it was no longer warranted.

1 And, you know, to be honest with you I think I
2 really put myself at a disadvantage because other
3 people around me were saying, he's not changing
4 anything, he's promoted all of the worst people in the
5 office and -- and I just said, you know, I kept telling
6 other people, give him a chance, give him a chance.
7 And, you know, it --

8 MR. ISHIDA: Mm-hmm.

9 MS. STRICKLAND: -- really wasn't until kind
10 of this latest stuff happened with, you know, the first
11 assistant and everything and I -- I -- you know, was in
12 ongoing conversations with Tony about it and -- and I
13 feel like he really betrayed my trust in how he --

14 MR. ISHIDA: Mm-hmm.

15 MS. STRICKLAND: -- he -- he didn't -- he
16 didn't protect me. And, sorry, I'm just -- he didn't
17 protect me and --

18 MR. ISHIDA: Mm-hmm.

19 MS. STRICKLAND: -- it's very emotional for me
20 because I -- it's just -- you know, at a certain point
21 I just have to think about, you know, myself and even
22 just basic things like, you know, my -- my safety. And

1 I was trying to -- I was genuinely trying to pro- --
2 protect myself the best that I could and I -- you know,
3 wanted him to help me and --

4 MR. ISHIDA: Mm-hmm.

5 MS. STRICKLAND: -- I thought that we had --
6 you know, it was crazy to me because he basically
7 agreed to everything that I had said I thought was
8 necessary except for transferring out of that office,
9 which was just hard for me to believe because I was
10 like, you know, you're -- you're acknowledging that
11 these things happened, you're acknowledging that
12 they're a problem, you're agreeing to changes but
13 you're going to make me work in the physical proximity
14 of the person who has been harassing me.

15 You know, and that was kind of where we left
16 it is that, you know, I had thought if anything, he
17 would agree to the transfer or remote work, whatever,
18 you know, just get her out of there and then we'll
19 figure out everything else.

20 And, so, it's just -- it's hard for me -- with
21 circumstances like that, it's hard for me to give him
22 the benefit of the doubt or, you know, I'm -- I'm not

1 sure that he really understands just like, you know,
2 I've told him eve- -- you know I've told him I would
3 never have brought any of this stuff up if I didn't
4 think it was necessary.

5 Like I am not somebody who's just like
6 hypersensitive or a me too-er or anything like that.
7 Like I -- you know, genuinely felt threatened by this
8 person. And, you know, and I just feel like he -- he --
9 he didn't protect me, he did the opposite. He escalated
10 the situation and made it harder for me.

11 And, so, that's why I feel like I've just been
12 put in a really difficult spot where, you know, I'm --
13 I'm -- I don't understand -- you know, I understand him
14 following his obligations under Chapter 9 or whatever
15 it is, like I'm -- I'm not begrudging him of that but I
16 feel like, you know, for him to do that, you know, and
17 limit the scope to, you know, just -- I'm -- I'm -- I'm
18 concerned about, you know, fairness in the process --

19 MR. ISHIDA: Mm-hmm, mm-hmm.

20 MS. STRICKLAND: -- when, you know, he has
21 been intimately involved and, you know, he basically
22 took the first assistant side from the very beginning -

1 -

2 MR. ISHIDA: Mm-hmm.

3 MS. STRICKLAND: -- so, I'm really concerned
4 about him having a role in the wrongful -- or -- or I'm
5 just -- I'm concerned about how the whole thing has,
6 you know, unfolded so far. And, then I'm not sure that
7 he -- you know, I'm just -- yeah, maybe I should just
8 stop there. But it -- it's just -- it's hard for me to
9 understand like -- and why, you know, I'm most
10 concerned about getting the time that I need because I
11 may file my own, you know, Chapter 9 thing -- wrongful
12 conduct thing --

13 MR. ISHIDA: Mm-hmm.

14 MS. STRICKLAND: -- and I understand that may
15 not have a deadline but the request for counseling does
16 and I'm still just trying to figure out how that whole
17 process even works --

18 MR. ISHIDA: Mm-hmm, mm-hmm.

19 MS. STRICKLAND: -- and so, you know, I'm just
20 -- I'm trying to protect myself the best that I can and
21 to ensure that whatever happens is completely fair and
22 -- to me, you know, and just an impartial -- and I just

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1 don't see how Tony can be involved in any way in the
2 process and have it be fair, given my experience, you
3 know.

4 MR. ISHIDA: Mm-hmm. Well, Caryn, you know,
5 you've -- you've -- you've painted a challenging
6 picture about trust. I mean, you know, once -- once
7 trust has been broken, it's -- it's really hard to
8 piece it back together again. And -- and, you know, I
9 had -- I don't know if you know this but I had a
10 conversation with Sheryl Walter, the general counsel at
11 the AO and --

12 MS. STRICKLAND: Okay.

13 MR. ISHIDA: -- other -- other -- other people
14 from the AO and we -- we -- we had a conversation about
15 -- about alleviating some of your concerns.

16 And one of the things that Sheryl really
17 wanted me to do, given -- given the concerns that
18 you've raised with them was, that after the
19 investigation is finished, the report has been
20 compiled, Sheryl wanted me to receive the report and
21 not Tony Martinez. And -- and, you know, I -- I kind of
22 thought, well, you know, that's -- that's not really in

1 the process or plan.

2 But I approached Tony about it and kind of
3 said, this is the concern, would you be willing to let
4 me receive the report first. And -- and he was fine
5 with that. Just -- just -- just so you know. And -- and
6 he thought it would be helpful, yeah, you know, you --
7 why don't you accept the report and we'll go from
8 there.

9 I -- you know, so I told Sheryl, sure, I'm
10 willing to -- I'm willing to accept the report and
11 depending on what it says, we'll -- we'll just go from
12 there. But what I did tell Sheryl too, was just my
13 sense that, I -- I understand why, you know -- do you
14 feel -- I mean, having been a supreme court fellow, you
15 know, you've made contacts and connections and
16 relations with some people at that AO, so you feel more
17 comfortable going to them. I said I get all that and
18 that I probably would do the same thing.

19 I just told Sheryl that, in this case, it may
20 not be entirely helpful because we're now giving it
21 arms' length instead of trying to communicate issues
22 and concerns directly and I -- one of the things I

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1 mentioned to Sheryl was things can get -- when that
2 happens, you know, the -- the barriers go up, the walls
3 go up, the people are on guard and I -- and I'm -- I'm
4 concerned that there isn't real dialogue between the
5 parties. And -- and trust can break down and all sorts
6 of things.

7 So, I said, I'm happy to accept the report but
8 -- but this is my concern that we -- we may hinder a
9 dialogue between you and Tony in really kind of trying
10 to resolve this.

11 So, that's -- that's -- that's kind of -- that
12 -- now I -- I did want to -- I did want to mention that
13 to you, Caryn, but I also -- I also want to -- I also
14 want to tell you too that, you know, my -- my -- my
15 heart goes out to you. I -- I hear what you're saying.
16 You know, in another life I was an assistant public
17 defender --

18 MS. STRICKLAND: Oh.

19 MR. ISHIDA: -- and so when you -- when you
20 talk about, you know, your passion for the job and --
21 and just wanting to, you know, really do what you love,
22 I mean, I -- I -- I get that because I was -- I was

1 where you're at now.

2 And yet, you know, I've also worked at some
3 really horrific, dysfunctional offices that, you know,
4 made me frustrated as well because I felt like, you
5 know, I just want to do my job, I just want to do what
6 I love. And all of -- I -- I've got to deal with all of
7 these things. And there's a sense of frustration,
8 there's a sense of unfairness, there's a -- there's all
9 these things.

10 And, so, as you were describing your
11 situation, I -- I -- I can't -- I couldn't help but
12 flashback to, you know, my experience and -- and I -- I
13 think I understand a little bit about the things that
14 you're going through. And so -- so that's why when I
15 say my heart goes out to you, I really do -- I really
16 do feel what you're -- you're trying to tell me.

17 MS. STRICKLAND: Mm-hmm. No. And I -- I
18 appreciate that and, you know, I'm not sure what -- you
19 know, when you talk about like the contacts made at the
20 -- the AO and, you know, whether they're helpful or
21 not, I mean, the reason why I went to the AO because I
22 went to Tony directly and he -- and I told him about

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1 these issues and he did not resolve my concerns.

2 He actually put me --

3 MR. ISHIDA: Mm-hmm.

4 MS. STRICKLAND: -- in a far worse position.

5 And, so, I felt -- and I was -- and, you know, Laura
6 was actually the one who gave me Nancy's name. And --

7 MR. ISHIDA: Mm-hmm.

8 MS. STRICKLAND: -- you know, I initially was
9 getting advice just from Laura just because, you know,
10 she's retired and she's a mentor of mine or whatever,
11 and, you know, I think there's some kind of perception
12 that I was like trying to go outside of the chain of
13 command and that -- that is just not the case. That's
14 just not what happened at all.

15 I -- I contacted Nancy because I was at a
16 place of complete desperation --

17 MR. ISHIDA: Mm-hmm.

18 MS. STRICKLAND: -- you know, where -- hi --
19 where, you know, nothing -- nothing that I -- I had
20 communicated, I had started a dialogue and, you know,
21 it went in like completely the opposite direction.

22 So, I just want to make that clear that I

1 didn't try to like go outside or do any -- I -- I
2 started with Tony. He's the person that I --

3 MR. ISHIDA: Mm-hmm, mm-hmm.

4 MS. STRICKLAND: -- started with. I actually
5 started -- to be fair, I actually started with JP.

6 MR. ISHIDA: Mm.

7 MS. STRICKLAND: I started with him directly.
8 I spoke to him directly. And, you know, I told him, you
9 know, that, you know, I made very clear to him that I
10 was not comfortable with certain things that he did.

11 And, you know, I mean I won't go into all of
12 the details of it now, but suffice it to say that I did
13 that and it set off a chain of events where I spoke to
14 Tony numerous times about the situation. So, that's why
15 I'm surprised when he said that I sent an email and
16 that was, you know, what triggered it because he -- he
17 knew already.

18 But that's also what I mean with the -- you
19 know, that this is all very ongoing and there's -

20 MR. ISHIDA: Mm-hmm.

21 MS. STRICKLAND: -- there's not like -- that's
22 my discomfort with this is that I don't want to be, you

1 know, penalized for the fact that this is ongoing and
2 that ever- -- basically, everything that I've tried
3 hasn't worked and has basically --

4 MR. ISHIDA: Mm-hmm.

5 MS. STRICKLAND: -- backfired. But I took
6 every step that I possibly could to try to resolve it,
7 informally and at the lowest level possible and --

8 MR. ISHIDA: Mm-hmm.

9 MS. STRICKLAND: -- you know, I went to Nancy
10 because I was in a completely desperate situation of
11 last resort where I was not --

12 MR. ISHIDA: Mm-hmm.

13 MS. STRICKLAND: -- being protected and I was
14 not being listened to. And, so, you know, and I -- I
15 think that what they were trying to do -- you know, I
16 think she was trying to give me guidance and I think
17 she was trying to do the same thing, resolve it at, you
18 know, the lowest level possible.

19 So, this -- you know, and I'm not saying --
20 you know, I completely understand your concern and I
21 completely understand why you would think about -- why
22 you would think that and why it would come off that

1 way, but the reason why the AO got involved is because
2 I was trying to have a dialogue with him and he would
3 not have a dialogue with me.

4 MR. ISHIDA: Mm. Mm-hmm.

5 MS. STRICKLAND: And, you know, there's a lot
6 more details that I could go into about that but I
7 don't think now is the time, so.

8 MR. ISHIDA: Yeah. You know, I think -- you
9 know, Caryn, this -- this is the nail for them. And you
10 know this was -- this was part of -- and -- and -- and
11 I -- I understand completely, I get it. I -- you know,
12 going to Laurel made sense.

13 I -- I -- I had never heard that before, and
14 I'm not quite sure why I would have but, you know, I
15 used to work for Laura for a couple years as -- at the
16 tail end of my -- my tenure at the AO and I know she's
17 the -- she was the EEO officer as well --

18 MS. STRICKLAND: Mm-hmm.

19 MR. ISHIDA: -- but, you know, aside from
20 that, I mean she's just a really smart lady who had
21 really good advice. So, I get why you'd go and talk to
22 Laura. I -- I guess -- I guess it was -- one of the

1 things I -- I mentioned to Sheryl was, you know, I -- I
2 -- I think I understand why all of these things are
3 going on.

4 The challenge I think that we all face in this
5 environment is we don't all seem to be on the same page
6 and we -- we -- I -- I -- I just told Sheryl my -- my
7 gut tells me that I think we're -- we -- we all want
8 the same thing, and I think we all want to get this
9 resolved, but I -- but I almost feel like there --
10 there are -- there are things that are blocking us from
11 fully understanding and fully kind of, you know,
12 working together to get this resolved.

13 MS. STRICKLAND: Mm-hmm.

14 MR. ISHIDA: So, you know, and -- and -- and
15 again, I -- you know, that is not -- that is not
16 blaming anybody, that is not, you know -- I -- I just --
17 - I just said that when there's -- when there's a lot
18 of people involved, that's -- that's how, you know --
19 you know, things can kind of take a life. They can take
20 on a life of its own after a while.

21 Now, I can say that -- well, I can -- I can
22 tell you this in general terms. I was involved in

1 another matter involving Tony's office --

2 MS. STRICKLAND: Mm-hmm.

3 MR. ISHIDA: -- and -- and then -- and that's
4 -- that's about as much as I can tell you. But we were
5 able to work that out successfully and we did get
6 resolution and -- and that -- that was actually my
7 first EDR matter that -- that really had a good ending.
8 And that told me a lot about Tony and how he was
9 earnest and willing and -- and wanted -- wanted the
10 best for his staff and -- and his employees. So --

11 MS. STRICKLAND: Mm-hmm.

12 MR. ISHIDA: -- yeah, I -- you know, that's
13 why, Caryn, when I asked you, you know, to -- to
14 describe what is it -- what is it that you want. What
15 is -- what is your end goal. My -- my guess -- my --
16 just my hunch is I'm not sure you and Tony are going to
17 be far off from what you want.

18 So, in the back of my mind, I'm trying to
19 think, okay, how can we resolve it to everybody's
20 satisfaction. How can we -- how can we address your
21 concerns, you know, and -- and how can we get everybody
22 to work together on this. So, as you're talking about

1 options, I'm thinking about that as well.

2 Like, we want to make sure -- certainly we
3 want to make sure you're protected, certainly we want
4 to make sure that yo- -- we preserve all your available
5 options. But I'm also trying to think about ways, well
6 what can we do to help you try to get what -- what, you
7 know -- what -- what you're -- what -- what you want
8 out of this. What is it that you want.

9 MS. STRICKLAND: Mm-hmm.

10 MR. ISHIDA: And, so, I do appreciate that.
11 Now, what I did in that other case was we settled it at
12 the counseling stage so, we were able to -- I -- I
13 posed the same question to both sides, what is it that
14 you want out of this. And once -- once everyone's kind
15 of -- once -- once their wish lists -- once both sides
16 wish lists were put together, it -- it was easy for me
17 to see, you know, I think we can work this out. And --
18 and that's in fact what did happen.

19 So, Caryn, I'm just, you know, in the back of
20 my mind wondering, while -- while preserving all of
21 your rights, I'm wondering if there's a way where we
22 can -- we can start that process, where we can work on

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1 what is it that you want out of this.

2 MS. STRICKLAND: Mm-hmm.

3 MR. ISHIDA: What -- what is -- what's --
4 what's possible. What can we do to -- to resolve this?

5 MS. STRICKLAND: Yeah, I mean, I -- I think
6 that's a very good question and, you know, I -- I think
7 that that -- that's very fair and, you know, I think
8 it's really -- and I can -- I think I'd have to really
9 think more about -- well, let me ju- -- I guess it's
10 two things: You know, on the one side just a full and
11 fair and impartial investigation that includes the full
12 scope --

13 MR. ISHIDA: Mm-hmm.

14 MS. STRICKLAND: -- of the allegations. And on
15 the other side, you know, basically, the opportunities
16 for professional advancement and attainment that I
17 believed that I was promised when I started the job --

18 MR. ISHIDA: Mm-hmm.

19 MS. STRICKLAND: -- you know --

20 MR. ISHIDA: Mm-hmm.

21 MS. STRICKLAND: -- and still are looking for
22 and I can -- you know, I haven't distilled those down

1 to, you know, a precise list, but I don't think I'm far
2 off from being able to do that.

3 MR. ISHIDA: Okay.

4 MS. STRICKLAND: So, I mean I think those are
5 the two things that are the most important to me.

6 MR. ISHIDA: Okay. Well, like I said, that was
7 -- that was one of the reasons why Heather Beam was --
8 was so attractive to me was, she was somebody outside
9 the office, somebody who is in HR, somebody who enjoys
10 a pretty good reputation in your district.

11 So, the appointment of, you know, my asking
12 Heather that Heather be appointed was kind of an easy
13 choice and so I trust that, you know, she'll conduct a
14 full, fair, transparent investigation that I will get
15 at -- you know, whenever she's finished.

16 And, so, I -- you know, I look forward to that
17 process playing out and I think it'll play out well --

18 MS. STRICKLAND: Mm-hmm.

19 MR. ISHIDA: -- the -- the -- the other thing
20 about your concerns that you had mentioned, career
21 advancement, things that have been done that, you know,
22 seems like it's taking you off that career track, I'm

1 just -- I'm just wondering if there's a way we can also
2 simultaneously have a dialogue with that.

3 The one thing I'm -- the one thing I'm
4 concerned about, Caryn, is, you know, my additional
5 thought was, well, you know, you should have a
6 conversation with Tony. But you mentioned, you know, a
7 concern that I have and that's trust. I mean it's
8 difficult to have a conversation with somebody if you
9 don't fully trust them.

10 MS. STRICKLAND: Right.

11 MR. ISHIDA: So, I don't know if having a
12 direct conversation with Tony will be as productive as
13 we all hope given that there's this, you know, almost a
14 sense of broken trust that you have.

15 So, I'm wondering, would it make sense to have
16 someone else work with the two of you possibly? And
17 what I'm thinking of is, we have circuit mediators that
18 are just outstanding. And the chief circuit mediator is
19 outstanding, I've used him in other instances and he's
20 done a fantastic job.

21 MS. STRICKLAND: Mm-hmm.

22 MR. ISHIDA: I'm just wondering if his

1 services would be helpful here to try to address some
2 of these -- your career concerns as well. Because, like
3 I said, my feeling is, I don't know if you and Tony are
4 that far off. I mean, I can think --

5 MS. STRICKLAND: Mm-hmm.

6 MR. ISHIDA: -- I think the both of you will
7 agree on a lot of what you've already mentioned.

8 MS. STRICKLAND: Mm-hmm.

9 MR. ISHIDA: It's just that the -- the trust
10 issue worries me and to -- to make sure that the
11 process is fully successful, that's why I wonder would
12 it help to bring somebody else in at this point.

13 MS. STRICKLAND: It may. I mean, it -- it may
14 but I think I'm just -- you know, I appreciate that
15 suggestion but I think I need some time to think about
16 it before I can commit --

17 MR. ISHIDA: Okay.

18 MS. STRICKLAND: -- to that, if you don't
19 mind.

20 MR. ISHIDA: Okay. Not at all. Not at all.

21 MS. STRICKLAND: I mean, I -- I think maybe
22 the thing to do is, maybe -- well, you said you were

1 going to be gone next week, right, at the judicial
2 conference but --

3 MR. ISHIDA: Right.

4 MS. STRICKLAND: -- I think that I -- I am
5 going to go ahead and -- I'm going to send an email to
6 Chief Judge Gregory and to you requesting, you know, an
7 extension of time and just say, you know, I'm currently
8 involved in a dialogue and I'm considering my options
9 and, you know, just before I send it I just kind of
10 want to make sure like since we've talked about it and
11 stuff that there's not going to be an issue with me
12 doing that.

13 MR. ISHIDA: Mm-hmm, mm-hmm. Well -- well,
14 certainly, as -- as you've mentioned that preserves
15 your rights or --

16 MS. STRICKLAND: Uh-huh.

17 MR. ISHIDA: -- you know, you're -- you're --
18 you're trying to preserve all of your options and
19 addressing the timeliness issue is going to be, you
20 know, certainly one way to get -- get that [inaudible]
21 so sending that out to me and Judge Gregory is -- I
22 think is a good first step.

1 MS. STRICKLAND: Okay. Yeah, I just want to
2 make sure -- you know, just so that -- you know, you're
3 not blindsided by it or anything. So, and then --

4 MR. ISHIDA: Sure.

5 MS. STRICKLAND: -- you know, maybe the thing
6 to do is, I definitely have some things to -- to think
7 about.

8 So, maybe when you get back, you know, first
9 thing of, you know, not next week but the week after,
10 maybe we can have another phone call --

11 MR. ISHIDA: Mm-hmm.

12 MS. STRICKLAND: -- which is, you know, an up-
13 -- a status update and kind of figure out where we're
14 at.

15 MR. ISHIDA: Sure, sure. That's -- that's --
16 we'll --

17 MS. STRICKLAND: And in the meantime, I can
18 kind of think about, you know, the things you said --
19 you know, what would I want, the possible circuit
20 mediator.

21 And what is that's person name? You may have
22 said it but I just missed it.

1 MR. ISHIDA: The chief circuit mediator his
2 name is Ed Smith.

3 MS. STRICKLAND: Okay.

4 MR. ISHIDA: So, he's based out of South
5 Carolina.

6 MS. STRICKLAND: Okay. And then, yeah -- and
7 then, I guess, just the last thing is just, the --
8 well, no, I mean, I -- I think that -- I think that is
9 -- I think that is it but, you know, in terms of the
10 ongoing investigation, I mean, do you have any
11 understanding of just kind of like what the timeframe
12 of that would be? I know that it's supposed to be
13 prompt but --

14 MR. ISHIDA: Yeah -- no. A- -- a- -- aside
15 from -- I mean there -- Chapter 9 doesn't specify, you
16 know, when the investigation has to be concluded by. It
17 just says that, you know, the -- the allegations have
18 to be investigated promptly.

19 MS. STRICKLAND: Okay.

20 MR. ISHIDA: And, so, yeah, they're -- they're
21 really -- I mean, there are -- there are no hard and
22 fast deadlines for when this investigation has to be

1 completed.

2 MS. STRICKLAND: Okay. All right. All right,
3 that is -- that's -- that's good to know. Well, I -- I
4 really appreciate you taking the time and, you know, I
5 hope this kind of just is the -- the start of a, you
6 know, continuing dialogue.

7 MR. ISHIDA: Yeah. No, I -- I -- I think -- I
8 think when -- as long as people are talking, you know,
9 that's always a good sign because that means that
10 people are willing to engage in the process and people
11 are actively looking for ways to resolve this. So, I'm
12 -- I'm happy to keep talking as long as you think it's
13 helpful for me.

14 And -- and -- and ultimately, Caryn, I think
15 what I would -- what I would just tell you is that, the
16 -- whatever decisions are made you have to feel good
17 about that, you have to feel comfortable about that. To
18 -- to do something where you're -- you're kind of not -
19 - you don't feel good about it, if -- if -- is, you
20 know, really not helpful or productive.

21 So, in thinking about -- you should really
22 think about what is it that you are looking for. What

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1 do you hope to get out of this process.

2 And the -- the -- the more you can articulate
3 that I think the -- at that -- that -- that gives us an
4 opportunity to, okay, let's really see if we can
5 address all of the concerns that you've identified and
6 articulated.

7 MS. STRICKLAND: Okay. Well, I appreciate --

8 MR. ISHIDA: The only -- so --

9 MS. STRICKLAND: I'm sorry, go ahead.

10 MR. ISHIDA: -- yeah, don't even -- no, no.
11 All I'm saying, don't leave anything out. Just think
12 about what is it that you really want.

13 MS. STRICKLAND: Okay. Okay. Well, that --
14 that's very helpful and -- and I do appreciate it. So,
15 I will -- I'll be in touch again soon.

16 MR. ISHIDA: Okay. And I will as soon as I get
17 back, I'll -- I'll let you know and we can go from
18 there.

19 MS. STRICKLAND: Okay. That sounds great.

20 MR. ISHIDA: All right, Caryn. Thanks so much.

21 MS. STRICKLAND: Yep. Thanks.

22 MR. ISHIDA: Okay. You --

1 MS. STRICKLAND: Bye-bye.

2 MR. ISHIDA: -- you take care now. Bye-bye.

3 MS. STRICKLAND: Thanks you too. Bye.

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